

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

R.S., a minor, by and through his guardian
ad litem Jessica Moreno, et al.

No. 1:20-cv-01170-DAD-SKO

Plaintiffs,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

ORDER DIRECTING THE CLERK TO
TERMINATE PLAINTIFF JORGE VICENTE
(Doc. 19)

On March 8, 2022, the parties filed a “Joint Stipulation for Dismissal of Plaintiff Jorge Vicente Without Prejudice,” in which they notify the Court of the dismissal of Plaintiff Jorge Vicente’s claims without prejudice. (Doc. 19.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of [their] claims, through a Rule 41(a)(1)” stipulation, and the dismissal “automatically terminates the action as to the defendants who are the subjects” of the stipulation. *Wilson v. City*

of San Jose, 111 F.3d 688, 692 (9th Cir. 1997).

Once the stipulation between the parties who have appeared is properly filed or made in open court, no order of the court is necessary to effectuate dismissal. Case law concerning stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and does not require judicial approval. *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999). Because the parties have filed a stipulation under Rule 41(a) that is signed by all who have made an appearance, Plaintiff Jorge Vicente has voluntarily dismissed his claims against Defendants without prejudice. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of the Court is directed to TERMINATE Plaintiff Jorge Vicente.

This case shall remain OPEN pending resolution of the remaining plaintiff's case against the defendants.

IT IS SO ORDERED.

Dated: **March 9, 2022**

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE